

NEM:VC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

MINSU FANG,
also known as "Fernando,"

REMOVAL TO
THE SOUTHERN
DISTRICT OF TEXAS

(Fed. R. Crim. P. 5)

Case No. 24-MJ-430

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

Monique Bunch, being duly sworn, deposes and states that she is a Special Agent with the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

On or about June 18, 2024, the United States District Court for the Southern District of Texas issued a warrant for the arrest of the defendant MINSU FANG, also known as Fernando, for violating Title 21, United States Code, Sections 952 and 963 (conspiracy to import a listed 1 chemical); 953 and 963 (conspiracy to export a listed 1 chemical); 959(b), 960 and 963 (conspiracy to import a listed 1 chemical for manufacture of fentanyl); and 841 and 846 (conspiracy to manufacture fentanyl).

The source of your deponent's information and the grounds for her belief are as follows¹:

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On or about June 18, 2024, a criminal complaint was signed by United States Magistrate Judge Diana Song Quiroga in the Southern District of Texas (the “Complaint”) charging the defendant MINSU FANG with violating Title 21, United States Code, Sections 952 and 963 (conspiracy to import a listed 1 chemical); 953 and 963 (conspiracy to export a listed 1 chemical); 959(b), 960 and 963 (conspiracy to import a listed 1 chemical for manufacture of fentanyl); and 841 and 846 (conspiracy to manufacture fentanyl). A true and correct copy of the Complaint is attached as Exhibit A.

2. In connection with the Complaint, on or about June 18, 2024, the United States District Court for the Southern District of Texas issued a warrant (the “Warrant”) for the arrest of the defendant MINSU FANG. A true and correct copy of the Warrant is attached as Exhibit B.

3. On or about June 19, 2024, MINSU FANG traveled to John F. Kennedy International Airport (“JFK”) in Queens, New York and was arrested by the DEA pursuant to the Warrant before boarding VivaAerobus flight VB101 to Mexico City, Mexico.

4. Following his arrest, the defendant MINSU FANG confirmed his name and date of birth to law enforcement agents, which matched the name and date of birth of the MINSU FANG wanted in the Southern District of Texas. The defendant MINSU FANG had two passports in his possession at the time of his arrest: a valid Chinese passport and an expired Chinese passport, which contained within it a valid American visa. Both passports were in the name and date of birth of the MINSU FANG wanted in the Southern District of Texas. Law enforcement agents also compared the physical appearance of the defendant MINSU FANG to a photograph of the MINSU FANG obtained during the investigation of the MINSU FANG wanted in the Southern District of Texas and he appeared consistent with the person depicted in this photograph.

5. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the MINSU FANG wanted in the Southern District of Texas.

WHEREFORE, your deponent respectfully requests that the defendant MINSU FANG be removed to the Southern District of Texas so that he may be dealt with according to law.


Monique Bunch
Special Agent
Drug Enforcement Administration

Sworn to before me this
20th day of June, 2024


THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Exhibit A

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States of America

v.

Minsu Fang aka Fernando

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)
)
)
)

Case No. 5:24-MJ-773

Defendant(s)

Sealed
 Public and unofficial staff access
 to this instrument are
 prohibited by court order

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2023 thru October 2023 in the county of Webb in the
Southern District of Texas and elsewhere, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC 952/963	Conspiracy to import a Listed 1 Chemical
21USC 953/963	Conspiracy to export a Listed 1 Chemical
21 USC 959(b), 960, 963	Conspiracy to Import a Listed 1 Chemical for manufacture of fentanyl
21 USC 841, 846	Conspiracy to manufacture fentanyl

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

/S/ Monique C. Bunch

Complainant's signature

Monique C. Bunch, DEA Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed. R. Crim .P. 4.1:

Date: 06/18/2024


Diana Song Quiroga
Judge's signature

City and state: Laredo, Texas

Diana Song Quiroga, U.S. Magistrate Judge

Printed name and title

Attachment A

In August 2023, the Drug Enforcement Administration (DEA) Laredo District Office (DO) in coordination with Homeland Security Investigations (HSI) Laredo began an investigation into the Minsu FANG, aka Fernando drug trafficking organization (DTO). During the on-going investigation, agents have determined the DTO is responsible for coordinating and distributing multi-ton quantities of fentanyl precursors; specifically, 1-Boc-4-piperidone (List 1 Chemical) and (2-Bromoethyl) benzene (DEA Special Surveillance List Chemical) throughout the U.S. with a final destination to Mexico. Through her training and experience, your affiant is aware that 1-Boc-4-Piperidone is used in the manufacture of fentanyl, and fentanyl related substances currently listed as Schedule I controlled substances in the United States. As a result of the investigation, agents have determined that the FANG DTO packages and ships bulk chemicals, commonly used in the manufacturing of fentanyl to the United States, specifically the Southern District of Texas (SDTX). Once the chemical packages are received by co-conspirators in the SDTX, the packages are transferred/shipped across the U.S.-Mexico Border to other co-conspirators. Your Affiant knows that DEA List 1 chemicals, are chemicals used in manufacturing of a controlled substance in violation of subchapter 1 of the U.S. Controlled Substance Act (CSA) and are important to the manufacturing of the controlled substance.

On or about August 18, 2023, agents received intelligence of the seizure of ten United States Parcels (UPS) brown cardboard boxes containing 1-boc-4-piperidone weighing approximately 250 kilograms in New York, New York. Based on intelligence, agents determined that the shipping labels were altered to display shipped from City of Industry, California; however, the packages originated from China destined to Texas.

On the same date, Laredo Agents received information that an additional UPS package was not intercepted in New York and was enroute to Laredo, Texas.

On August 23, 2023, agents coordinated with United Parcel Service (UPS), located in Laredo, Texas, to intercept the additional UPS box containing approximately 25.5 kilograms of 1-boc-4-piperidone destined to a residence in Laredo, Texas. On the same date, agents coordinated with UPS to place a call to the intended recipient of the UPS box (hereinafter referred to as Co-Conspirator, CC-1). Prior to the call, agents established surveillance at the UPS in Laredo where agents observed, CC-1 pick up the aforementioned package and a traffic stop was initiated by local law enforcement. Subsequent to the traffic stop, CC-1 provided agents consent to search their residence. Following the search of the residence, agents located and seized three additional UPS boxes weighing 76.5 kilograms of 1-boc-4-piperidone.

Following the seizure, from August 23, 2023 to October 2, 2023, agents seized a total weight of approximately 2,500 kilograms of 1-boc-4-piperidone and (2-Bromoethyl) benzene. Per CS debriefs, agents have reviewed and determined that the seizures of the specific fentanyl precursors were shipped at the direction of FANG from China and destined to Mexico by transiting through the United States; specifically, the Southern District of Texas. Per CC-1, FANG instructed CC-1 to export the packages from Laredo to Mexican cities within the interior of Mexico. Agents also seized a Microsoft Excel spreadsheet provided by FANG to CC-1 which contained the names, addresses, telephone numbers and tracking numbers of the packages that were destined to Mexico.

The investigation to date, has determined that the contents of the packages were incorrectly labeled and mis-manifested to conceal the actual contents. In addition, agents have reviewed the DEA database of

authorized registrants and determined that neither FANG nor any of the recipients of the packages have previously obtained authorization to import or export 1-boc-4-piperidone, a List I Chemical into the U.S.

On September 8, 2023, CC-1 and FANG conducted a recorded WhatsApp conversation where CC-1 informed FANG that one of the boxes fell and opened as the boxes were being loaded for transportation. FANG asked CC-1, “is it the powder one?” CC-1 acknowledged and said that CC-1 was with CC-1’s associate (hereinafter referred to as a DEA confidential source, CS) when a box opened up. The CS asked “what was that?”. CC-1 stated to FANG that CC-1 told the associate (CS) that it was “cosmetics.” CC-1 told FANG that CC-1’s associate (CS) stated that it was not “cosmetics”, because CC-1’s associate (CS) had previously worked with “it” before. CC-1 told FANG that the packages would be held until CC-1, FANG and the CS could come to an agreement. CC-1 told FANG there are no issues as long as FANG came to an agreement with CC-1 and CC-1’s associate (CS). Also, through recorded conversation, FANG asked CC-1 if it is one of CC-1’s associates that works in “Customs?” FANG asked if CC-1’s associate (CS) is scared? CC-1 told FANG “I sent you the number earlier.” FANG said he, FANG, would call CC-1’s associate (CS) later to come to an agreement.

On the same date, FANG called the CS via WhatsApp. During this consensually recorded conversation, FANG inquired if the CS was in possession of the boxes (referring to the seized 2,500 kilograms of fentanyl precursors). This CS has never provided information proved to be false or inaccurate.

On September 9, 2023, FANG and the CS conducted a WhatsApp conversation, in which the CS discussed their interest in the purchase of fentanyl precursors from FANG. During the conversation, the CS stated that the CS used to move (transport) the same “product” (1-boc-4-piperidone and 2-bromethyl benzene) and the CS knows that these products are used to make “fenta” (Coded language for fentanyl). FANG replied “You know very well.” The CS told FANG, “yes, it is a good product and they (CS and FANG) would make money if they work together”

On September 11, 2023, through WhatsApp communication between FANG and the CS, they discussed the sale of the chemicals. During the communications, FANG advised that he (FANG) spoke to the manufacturer and that they would be willing to sell the product (referencing fentanyl precursors) using chemical companies to acquire the fentanyl precursors. Also, FANG agreed to ship, fentanyl precursors by air for a shipping fee of approximately \$12.00 United States dollars (USD) per kilogram and approximately \$6.00 USD per kilogram via sea cargo from China to the United States with a final destination to Mexico. Moreover, FANG agreed to sell the fentanyl precursors at \$62.00 per kilogram and would start off by sending 100 kilograms to establish a fentanyl precursor smuggling route.

On September 13, 2023, FANG sends CC-1 a WhatsApp text message. FANG says “Very Urgent” followed by “they are going to kill me.” FANG further stated, “Seriously, yes, shipping labels please. Two weeks have passed.”

On September 15, 2023, FANG sent CC-1 another WhatsApp text message stating, “the clients are extremely angry and they will kill them” (CC-1 and FANG).

On September 21, 2023, FANG sent CC-1 an additional WhatsApp text message stating “right now”, and “All Day I can’t work on other matters, only this problem of shipping labels, crossing and reshipping, the clients wants to kill us too.” During the WhatsApp text, FANG advised that he (FANG) has not slept due to so much pressure from his clients and that some of the clients are crazy.

On the same date, the CS texted to FANG that the CS would be using the powder to make fentanyl and added that the CS already had buyers. FANG asked the CS if there was already a request for it. The CS

confirmed. FANG asked if it would be the same material, which the CS confirmed. The CS added that it would be the same material, powders (1-boc-4-piperidone), to make fentanyl.

Also, on September 21, 2023, there were multiple WhatsApp messages between the CS and FANG. In the messages, FANG advised the CS that the price would be \$62 US dollars per kilogram shipped to the CS. FANG then asked the CS how many kilograms the CS wanted. FANG stated that as soon as the CS sends a portion of the packages already on hand for FANG's clients; FANG would begin to send the CS' order. FANG added that the companies (chemical) can send more if everything goes well.

On the same date, the CS stated that the same material (packages/powder) that the CS has on hand is the same material the CS needs. The CS then asked FANG for a bank account for payment deposit of the packages that the CS already has on hand. CS stated that the CS will distribute to their clients first and then start to distribute to FANG's clients. FANG went on to mention that the clients have other packages in the United States but those packages that CS has on hand have already been paid for. FANG advised the CS not to worry and that they (FANG) can send CS packages. The CS advised FANG to send his bank information so that the CS could clear the account and they (CS and FANG) could start to work together. The CS stated that the packages that were on hand would be sent out to their appropriate clients but the CS also needed to confirm that the CS would be able to obtain packages for their clients as well. The CS advised FANG that the packages would be sent to the clients where it would be made into the final product and triple the profits. The CS further indicated that once FANG would start sending more packages for the CS, those new packages would begin to be distributed to FANG's clients. FANG agreed and asked the CS if the CS was able to pay now. The CS confirmed that he/she was ready to pay. FANG asked the CS how much the CS could pay. The CS advised FANG they can pay 30, 40, 50, 60 thousand dollars; whatever FANG requested. The CS stated that the CS wanted to open the line with FANG because from every kilogram of that material, the CS was making a lot of money. FANG asked the CS if the CS knows how much a kilogram was worth to which the CS replied; FANG had already sent the number to the CS earlier. FANG stated that they should do it the following way; the CS crosses one portion of the packages and buys the clients other portion of packages. FANG stated then he can send more packages after that and advised that the CS cannot buy all the packages because he (FANG) will not be able to explain to his clients. The CS stated that the CS understood, but needed to come to an agreement with FANG. The CS advised that if ten packages are sent, the CS would keep at least three and the rest would be sent out to FANG's clients. FANG asked if the CS would be paying in dollars or pesos. The CS advised FANG the CS would need FANG's banking info. The CS stated whichever currency FANG wanted to use, just to make sure and provide all information needed for a transaction. FANG once again asked if the CS would pay and the CS confirmed.

Also, on September 21, 2023, The CS further advised FANG that the CS wanted to work with FANG. The CS stated that they need a good supplier because the CS is making up to \$35,000 USD per kilogram of fentanyl. FANG asked the CS if that was with the same materials the CS has on hand. The CS confirmed and advised FANG, that is the reason the CS needed those packages. FANG advised the CS that FANG could send the CS ten packages and the CS could pay for 20 packages. FANG would then send 20 packages in the next shipment to the CS in order to buy time, and asked the CS if that was ok. The CS agreed.

On the same date, following the conversation, FANG sent the CS FANG's banking information to include, FANG's PayPal, Western Union and Bank of China account information.

5:24-MJ-773

STATEMENT IN
SUPPORT OF PROBABLE CAUSE

Sealed

Public and unofficial staff access
to this instrument are
prohibited by court order

IN RE:

I, DEA Special Agent Monique Bunch, declare and state as follows:

I, SA Monique Bunch with the Drug Enforcement Administration (DEA) and have been employed since August 2019. I am currently assigned to the Houston Division/ Laredo District Office in Laredo, Texas. My current responsibilities include the investigating of federal drug offenses under Title 21 of the United States Code (U.S.C.)

In August 2023, the Drug Enforcement Administration (DEA) Laredo District Office (DO) in coordination with Homeland Security Investigations (HSI) Laredo began an investigation into the Minsu FANG, aka Fernando drug trafficking organization (DTO). During the on-going investigation, agents have determined the DTO is responsible for coordinating and distributing multi-ton quantities of fentanyl precursors; specifically, 1-Boc-4-piperidone (List 1 Chemical) and (2-Bromoethyl) benzene (DEA Special Surveillance List Chemical) throughout the U.S. with a final destination to Mexico. Through her training and experience, your affiant is aware that 1-Boc-4-Piperidone is used in the manufacture of fentanyl, and fentanyl related substances currently listed as Schedule I controlled substances in the United States. As a result of the investigation, agents have determined that the FANG DTO packages and ships bulk chemicals, commonly used in the manufacturing of fentanyl to the United States, specifically the Southern District of Texas (SDTX). Once the chemical packages are received by co-conspirators in the SDTX, the packages are transferred/shipped across the U.S.-Mexico Border to other co-conspirators. Your Affiant knows that DEA List 1 chemicals, are chemicals used in manufacturing of a controlled substance in violation of subchapter 1 of the U.S. Controlled Substance Act (CSA) and are important to the manufacturing of the controlled substance.

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The investigation to date, has determined that the contents of the packages were incorrectly labeled and mis-manifested to conceal the actual contents. In addition, agents have reviewed the DEA database of authorized registrants and determined that neither FANG nor any of the recipients of the packages have previously obtained authorization to import or export 1-boc-4-piperidone, a List I Chemical into the U.S.

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/s/ Monique Bunch

Monique Bunch

Special Agent

Drug Enforcement Administration

Having reviewed the foregoing declaration, I find probable cause that the defendant(s) named above committed an offense against the laws of the United States and may therefore be further detained pending presentment before a judicial officer.

Executed on the 18th day of June, 2024.

PC found on June 18, 2024 at 11:52 AM.

Diana Song Quiroga
UNITED STATES MAGISTRATE JUDGE

Exhibit B

COPY

F10-11686312

AO 442 (Rev. 11/11) Arrest Warrant

U.S. MARSHAL SERVICE

SEARCHED

INDEXED

FILED

JUN 18 2024

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

ENFORCED

United States of America

v.

Minsu Fang aka Fernando

Defendant

) Case No. 5:24-MJ-0773-1

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order.

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Minsu Fang aka Fernando
who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Conspiracy to import a Listed 1 Chemical
Conspiracy to export a Listed 1 Chemical
Conspiracy to Import a Listed 1 Chemical for manufacture of fentanyl
Conspiracy to manufacture fentanyl

See Attached Criminal Complaint, Attachment A, and Probable Cause Statement

Date: 06/18/2024



Diana Song Quiroga
Issuing officer's signature

City and state: Laredo, Texas

Diana Song Quiroga, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) JUNE 18, 2024, and the person was arrested on (date) June 19, 2024.
at (city and state) New York, New York.

Date: 06/19/2024

Mf C RL
Arresting officer's signature
MONIQUE BUNCH, Special Agent
Printed name and title